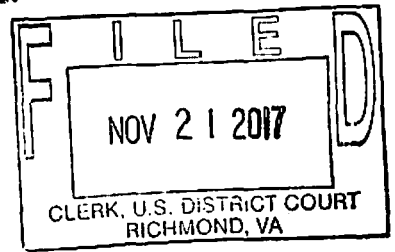


**IN THE UNITED STATES DISTRICT COURT.
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



BRIAN LESTER WALTON, SR.,)

Petitioner,)

v.)

HAROLD W. CLARKE,)

Respondent.)

Civil Action No. 3:17CV320-HEH

**FINAL ORDER
(Adopting Report and Recommendation and Dismissing Action)**


In accordance with the accompanying Memorandum Opinion, it is hereby
ORDERED that:

1. The Report and Recommendation is ACCEPTED and ADOPTED;
2. Respondent's Motion to Dismiss (ECF No. 12) is GRANTED;
3. Walton's § 2254 Petition (ECF No. 1) is DENIED;
4. Walton's claims and the action are DISMISSED; and
5. A certificate of appealability is DENIED.

Should Walton desire to appeal, a written notice of appeal must be filed with the Clerk of the Court within thirty (30) days of the date of entry hereof. Failure to file a notice of appeal within that period may result in the loss of the right to appeal.

The Clerk is DIRECTED to send the Memorandum Opinion and Final Order to Walton and counsel of record.

It is so ORDERED.


_____/s/
Henry E. Hudson
United States District Judge

Date: Nov. 21, 2017
Richmond, Virginia